

COMMENT SET 2: REGIONAL WATER QUALITY CONTROL BOARD – CENTRAL COAST REGION



Linda S. Adams,
Secretary for
Environmental Protection

California Regional Water Quality Control Board Central Coast Region

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Arnold Schwarzenegger
Governor

September 14, 2006

Mr. Peter Strait, Project Manager
California State Lands Commission
100 Howe Avenue, Suite 10-South
Sacramento, CA 95825

Dear Mr. Strait:

VENOCO ELLWOOD MARINE TERMINAL (EMT); JULY 2006 "DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE VENOCO ELLWOOD MARINE TERMINAL LEASE RENEWAL PROJECT" (EIR); STATE CLEARINGHOUSE NO. 2004071075, CLSC EIR NO. 743

Thank you for the opportunity to review the EIR. Please consider the following comments on EIR Section 4.4, "Hydrology, Water Resources, and Water Quality."

- | | |
|------|---|
| WB-1 | 1. EIR pages 4.4-12 and 4.4-13 discuss petroleum toxicity. We add that petroleum also includes unidentified compounds with unknown, but potentially significant, toxicity. |
| WB-2 | 2. EIR page 4.4-17 states groundwater underlying the EMT is of poor quality and low yield. Nevertheless, pursuant to the Central Coast Regional Water Quality Control Plan (Basin Plan), groundwater has the drinking water beneficial use and must be protected as such. |
| WB-3 | 3. EIR page 4.4-22 (and elsewhere in the EIR) indicates that Venoco has not developed and implemented a Stormwater Pollution Prevention Plan (SWPPP), pursuant to State Water Resources Control Board Water Quality Order No. 97-03-DWQ National Pollutant Discharge Elimination System General Permit No. CAS000001 Waste Discharge Requirements For Discharges of Storm Water Associated With Industrial Activities Excluding Construction Activities (General Permit Order 97-03-DWQ). However, our records indicate Venoco has developed and implemented a SWPPP for the EMT. |
| WB-4 | 4. EIR page 4.4-22 and elsewhere discuss the California Ocean Plan. Please note the latest California Ocean Plan is dated 2005 and became effective February 14, 2006. We clarify the California Ocean Plan contains water quality standards that apply to discharges <i>to the ocean</i> , not to "all NPDES discharge permits". We also clarify that, while the California Ocean Plan mandates numeric water quality |

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Mr. Peter Strait

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WB-4
cont.

objectives for roughly 80 chemicals, General Permit Order 97-03-DWQ does not mandate numeric effluent limitations for a given site but mandates best management practices intended to achieve "benchmark values" for relatively few constituents in site stormwater runoff.

WB-5

5. EIR page 4.4-22 (and elsewhere in the EIR) reference a proposed California Toxics Rule. Please note the California Toxics Rule was promulgated as 65 Federal Register 31682-31719 (May 18, 2000), adding Section 131.38 to 40 CFR. Also in 2000, the State Water Resources Control Board adopted the "Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California".

WB-6

6. In addition to legal mechanisms cited in EIR Section 4.4, please realize contaminant release remediation conducted pursuant to California Water Code Section 13304 generally must restore a site and impacted waters to the natural background condition, unless infeasible.

WB-7

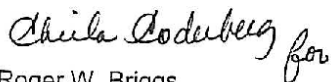
7. EIR Section 4.4.3 discusses significant impacts to water quality. Although relatively unlikely, we also consider impacts to groundwater above background conditions or applicable standards potentially significant.

WB-8

8. EIR page 4.4-28 states impacts of large oil releases to the marine environment could last from days to weeks. We note impact duration could be longer than weeks.

Please contact David Schwartzbart at (805) 542-4643 or dschwartzbart@waterboards.ca.gov with questions or comments on these issues.

Sincerely,




Roger W. Briggs
Executive Officer

cc:

Mr. Stephen A. Grieg
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S/SLIC/Regulated Sites/Santa Barbara Co/Venoco Ellwood/9-06, EIR Comments

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**RESPONSE TO COMMENT SET 2: REGIONAL WATER QUALITY CONTROL
BOARD – CENTRAL COAST REGION**

- 1 WB-1 The discussion of petroleum toxicity on pages 4.4-12 and 4.4-13 is
2 intended to be generic in nature and is included to illustrate that there
3 are potential toxic impacts associated with naturally occurring seeps
4 and accidental oil spills. It is acknowledged that there are dozens of
5 compounds in crude oil that contribute to the overall toxicity of a spill.
- 6 WB-2 The description of groundwater quality on page 4.4-17 has been
7 modified to note its beneficial use designation, which is further
8 discussed in the regulatory setting section on Page 4-37 of the FEIR.
- 9 WB-3 The reference to the EMT not having a SWPPP has been corrected.
- 10 WB-4 The EIR has been updated to reflect the most recent version of the
11 Ocean Plan. The EIR has been modified to clarify the applicability of the
12 Ocean Plan to discharges to the ocean and not all NPDESs (see page
13 4-38.
- 14 WB-5 This information has been clarified in the EIR on page 4-38.
- 15 WB-6 While site remediation is not directly addressed in this section of the
16 EIR, it is recognized that California Water Code section 13304 generally
17 requires remediation of impact waters to background levels.
- 18 WB-7 Impact WQ-2 clearly notes that the project could impact groundwater
19 quality. This impact was considered a significant, Class I impact.
- 20 WB-8 The statement in the EIR indicating that spill impacts could last “...from
21 days to weeks...” is very qualitative in nature. This statement is
22 intended to establish a relative timeline for impacts to water quality.
23 Potential impacts to marine biological resources, for example, could
24 persist far longer.